

Town of Middleton
Board of Selectmen Meeting
October 3, 2016

Approved By
Board of Selectmen

J. B. Hotchkiss
Tim Brown
Joseph Bailey

Called to order at 6:29 P.M

BOS Members Present: J. Bailey, J. Hotchkiss, M. Schwarz

Investigator Irvine and Tim Sullivan

J. Hotchkiss calls the meeting to order at 6:29 PM

M. Schwarz motions to enter into non-public per RSA 91-A:3 II c. J. Bailey seconds all in favor.

T. Sullivan begins with a background for the meeting. Talks about an investigation that was referred to the County Attorney's Office. Investigation started with a report taken by Sgt. Tim Brown with an issue about the tax collector which was reported to Sgt. Brown who then reported it to the County Attorney's Office. At that time Sgt. Brown removed himself from the investigation due to it being a conflict with him being a town employee. Sgt. Brown did not participate in the investigation. Investigation was completed by Investigator Irvine who requested documents and interviewed all three board members. Conclusion is that there will not be any charges criminally. That's not the purpose of the investigation. There were concerns about some of the ways things were happening. Thought the best way to approach this would be to come up and talk to the board and maybe clean up a few things that the County Attorney thought could have been done a little better. County Attorney's office does not feel that there should be any charges as a result of what happened. County Attorney wanted the board to know that it was close to criminal but they do not want to charge anyone. They just want to assure thing need to be handled the right way. He feels that the particular issue in question was about Bill Lawrence who was the center of his investigation and his tax issue. County Attorney states the current process of the board allowing Tax Collector Deb O'Toole to work with people giving her that authority to work with people who are at the deeding process. County Attorney feels that is a great thing to do but the problem is when you have someone who is a public servant like Bill Lawrence is there is a lot of discussion in the meetings about treating people equally, regardless about wanting to treat people equally, he would not be considered an equal do to that he is a public servant. So when he gets a benefit that is not recorded, then there is an appearance that it would be an improper benefit to him, and that raises questions against RSA's. They are not saying that anyone did that intentionally. But in the future these things need to be better documented and recorded. County Attorney questions the \$200.00 per month agreement that the board came up with. He wants to know how the board comes up with the agreements. These things need to be more articulated and documented. In reading the minutes it does seem like that is was the tax collector is going to do moving forward. Another concerning issue that the County Attorney is the comments towards Mike Schwarz in the minutes about why he had done the things he did. The County Attorney feels he did what he was supposed to do. D. O'Toole feels that that it should have been brought to her first. The three board members have the obligation that if they feel there is something wrong to report it whether it is criminal or not. J. Bailey asks that if these meeting are done in non-public and only so much information can be divulged, then how you would handle not looking like you are trying to hide information, when the information should not be shared. The County Attorney advised that is when the board needs to come up with guidelines to follow for all that are equal. T. Sullivan also advises that if the resident owns land or a home on land it should not be treated any

differently. All agreements have to have the same terms. All people needed to be treated the same from the government agency. B. Irvine believes that before the agreement was made with B. Lawrence that D. O'Toole was making these arrangements with the residents and it is not up to her to do so. It is up to the Board to make that decision to take or not to take. Her job is to present the board with a list of those properties. She should not have that authority. The law only allows the board not the Tax Collector. J. Bailey states he did not realize she did not have the authority. T. Sullivan does not feel any of this was intentional. B. Irvine feels the tax collector genuinely wants to help people. T. Sullivan discusses the waiver and what the waiver states. He does not feel that the waiver is correct. It needs to state the exact reason of why you are not taking the property, hazardous waste etc. Can't just waiver because of who the person is. Reason for this meeting is to correct these issues. J. Bailey suggests sending a memo to the tax collector on how moving forward the process will be. T. Sullivan speaks about again the minutes and how he felt there could have been retaliation against him reporting the issue of Bill Lawrence's tax issue. T. Sullivan states again that if there is a member of the board that feels there is something going on they are obligated to report it. T. Sullivan also mentions his concerns with destroying the recordings of the meetings. L. Parker stated that she spoke with NHMA legal and was advised that once the board signed the minutes the recording can be erased and that is what is happening. B. Irvine states that he feels the NHMA legal can be a very useful resource. J. Bailey thinks that coming up with a procedure will only make things better. T. Sullivan wants to also point out that RSA 95:1 any involvement with different stuff in the town. If any of the BOS have their own businesses that town jobs need to be put out to bid if the job is more than \$200.00 which was also a concern raises during the interview processes. County Attorney now considering this case closed. T. Sullivan will also send a letter to the Police Department with the findings of the investigation and that there will be no charges going forward.

M. Schwarz makes a motion to end the non-public meeting to reconvene the public meeting at 6:49 PM. J. Bailey seconds, all in favor.

Respectfully submitted by:

Laura Parker, BOS Secretary